

## REMARKS

### **Status of Claims**

The final Office Action mailed April 17, 2009, has been reviewed and the comments therein have been carefully considered. Claims 1, 6, 8, 11, 13, 15, 18 and 20 have been amended and claim 29 has been added. No new matter has been added. Claims 1, 4–8, 11–15, 18–24 and 29 are pending in the application.

### **Claim Rejections Under 35 U.S.C. 103**

Claims 1, 4–8, 11–15 and 18–24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hassell *et al.* (US 2004/0128685 A1, “Hassell”) in view of Shintani (5,668,591, “Shintani”) and Lee *et al.* (5,937,163, “Lee”). This rejection is respectfully traversed.

Amended independent claim 1 recites, *inter alia*,

receiving, at a set-top box (STB), input corresponding to an actuation of a command selecting a program from the listing of one or more programs in the electronic programming guide, the actuation including a single pressing of a selected portion of a web phone; [and] automatically transferring a program from a first storage device in the STB to a second storage device separate from the STB in response to the selection of the program from the listing of one or more programs in the electronic programming guide.

None of the cited references teach or suggest such features. Hassell generally describes the use of a “record” or “transfer” key when in a super-program screen or from an on-screen list of options provided by the program guide in response to the user selecting a super-program from a directory listing screen. P. 8, para. [0081]. Nonetheless, Hassell does not teach or suggest automatically transferring a program in response to the selection of the program from the program guide listing. Instead, Hassell states that an on-screen list of options is first provided in response to the user selection of a super-program from a directory listing screen. *Id.* In contrast, claim 1 recites automatically transferring a selected program in response to the selection of the program from the program guide. Neither Shintani nor Lee cures this deficiency of Hassell. Accordingly, claim 1 is allowable for at least this reason.

Amended independent claims 8 and 15 recites features similar to those discussed above with respect to claim 1 and are thus allowable for at least the same reasons as claim 1.

Claims 4-7, 11-14 and 18-24 are dependent claims and are thus allowable for at least the same reasons as their respective base claims.

### **New Claim**

Claim 29 has been added. Support for the recited features may be found throughout the specification, e.g., at para. [0025].

Claim 29 recites, *inter alia*, “receiving a command to record the selected program prior to receiving the selection of the program; determining whether the second storage device is available; and in response to determining that the second storage device is unavailable, automatically recording the program to the first storage device.” None of the cited references, either separately or in combination, teaches or suggests such features. The Office Action asserts at pp. 2-3 that Hassell describes storing a program to a first storage device if the second storage device is unavailable. Applicant respectfully disagrees. The cited passages of Hassell merely state that Hassell will check an available storage capacity of a digital storage medium to make sure there is sufficient space. *See, e.g.*, para. [0043], [0047], [0051]. Clearly, Hassell still lacks a description of what happens when the currently loaded digital storage medium does not have sufficient capacity. The Office Action’s assertions that the program would be stored on a second storage medium are merely based on assumptions that are not adequately supported by Hassell.

Moreover, under the asserted interpretation of Hassell where digital storage device 31 constitutes a first storage device and secondary storage device 32 is a second storage device, there is no teaching or suggestion of checking secondary storage device 32 for availability to record a program. As noted, Hassell merely describes checking storage capacity of digital storage device 31 (i.e., the alleged first storage device). Alternatively, if the Action asserts that digital storage device 31 is the recited second device and that secondary storage device 32 is the recited first storage device, there is no teaching or suggestion that the secondary storage device 32 is in the STB (as recited in claim 1). Thus, Hassell fails to meet all of the features recited in claims 1 and 29. Accordingly, claim 29 is allowable for these additional reasons.

**Conclusion**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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